THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8273 of 2007

Date: 20.04.2007

Between:

Kompella Vishwanath.

....Petitioner

And

Government of Andhra Pradesh, rep. By its Principal Secretary, Revenue, Secretariat, Hyderabad and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8273 of 2007

O R D E R:

Petitioner states that he purchased a plot bearing No.224 admeasuring 324.44 square yards in Survey No.74/6 situated in the layout of Balamrai Cooperative Society Limited, Mahindra Hills, Secunderabad. According to him, the sale deed executed by the vendor was presented to the third respondent for registration. The grievance of the petitioner is that though the third respondent initially received the document, subsequently, informed that it cannot be registered, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act') in respect of the land in the said Survey Number, and kept the document pending. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the third respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the third respondent to process the document presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

Date: 20.04.2007
JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77